

ARGUMENT/REMARKS

Based on the thorough examination report of the Official Action, great care was given to review the originally filed claims and to amend them to express the inventive concept disclosed and taught herein and to distinguish patentably from the cited prior art. It is respectfully asserted that the claims as now amended clearly distinguish from the cited prior art and are deserving of patentability. The rejection of original claims 1 to 13 as put forth in the Official Action of May 20, 2009 has been studied carefully. Each reference cited has been reviewed carefully. The claims have been amended to express the invention disclosed in this application more distinctly and to particularly point out the invention in clear and unambiguous limitations.

The invention, recognizing the deficiencies of the prior art concerning pressure equalization of gravity feed paint containers for spray guns provides a unique way to modify a paint reservoir system to enable a simple, fast, and uncomplicated formation of a ventilation opening in the container wall of the flow reservoir, while preventing chips or plastic parts from finding their way into the flow reservoir. To this end, an element is formed on the paint container that establishes a sealed but readily puncturable ventilation opening of the container. The element defines a guidance surface that engages and guides a pointed tool when the ventilation opening is being punctured. In the preferred embodiment the element is a hollow cylinder that is integrally formed on the container wall and projects slightly into the interior of the container. The pointed tool has a matching cross section and shape as the inner surface of the element or hollow cylinder to positively engage and be guided by the inner surface of the element or hollow cylinder. A membrane that is easily punctured is situated in the element or hollow cylinder preferably in the plane of the container wall. The inventive combination is essentially (1) the paint container; (2) the element that forms a ventilation opening through the container wall and further defines a guidance surface that engages and guides a pointed tool when the ventilation opening is being punctured and (3) the membrane situated in the element that is puncturable.

The main prior art cited and applied in the Official Action and rejections were under 102(b), US Patent #4,210,263 to Bos, with reference to claims 7 and 9; and under 103, US Patent #6,536,687 to Navis et al in view of Bos, with reference to claims 1, 2, 12.; Navis et al in view of Bos further in view of US Patent #6692118 to Michelle et al with reference to claims 3 to 6; Bos in view of Navis et al with reference to claim 8; Bos in view of McIntyre et al US PG-Pub 2003/121476, with reference to claims 10 and 11; and Navis et al in view of Bos further in view of US Patent #5,582,350 to Kosmyna et al, with reference to claim 13. In the Conclusion of the Action US Patent #7,416,140 to Camilleri et al. US Patent #6,553,712 to Majerowski et al, US Patent #5,954,268 to Joshi et al and US Patent #2,559,091 to Reasenberg were mentioned.

None of the nine prior art documents cited shows the three essential components of the combination claimed nor the limitations for the three components expressed in the amended claims.

1. Navis et al shows a gravity feed container having a pre-punched hole 58 closed by a conical pin 56 with head 60.
2. Bos relates to the dispensing of liquid soap and also shows a punched hole that is sealed with a pin.
3. McIntyre et al relates to an animal feeder and shows a punched hole that is sealed with a pin.
4. Michele et al relates to an ink feeder for an ink jet system and shows a resilient sealing member that is pierced by a blunt hollow tube to gain access to an ink supply; the resilient membrane sealing around the periphery of the hollow tube following piercing to prevent leakage.
5. Camilleri et al shows a gravity feed container having a pre-punched hole surrounded by a rim that receives a cap. The cap can be pushed into or rotated to provide ventilation.
6. Kosmyna et al also shows a gravity feed container having a pre-punched hole surrounded by a rim that receives a cap. A ribbon attached to the cap can be placed over the rim to prevent loss of the cap. No tearable web is disclosed by this patent.

7. Majerowski et al shows an insect bait station that has a reservoir for holding the liquid bait, a piercer for opening the closure of the reservoir and a liquid wicking device for transporting the liquid bait through the mouth of the reservoir.
8. Joshi et al relates to a non-gravity feeding device for delivery of fragrance to artificial flowers and shows a membrane pierced by a tube. The device is piston operated to deliver the contained fragrance liquid to the artificial flower.
9. Reasenberg relates to a non-gravity feeding device and shows pushing a sealed cartridge containing compressed gas up against a sharp point to puncture the seal and release the gas

Of the nine documents cited, only Navis et al, Kosmyna et al and Camilleri et al relate to gravity feed paint container systems for spray guns, and all three of these references show a pre-punched or formed hole closed by a pin or cap. McIntyre et al relates to a gravity feed bottle for animals and also shows a pre-punched hole and pin for closure and ventilation.

Bos, Reasenberg, Joshi et al, Michelle et al, and Majerowski et al all relate to non-gravity feeding systems and are all non-analogous art.

None of the cited art, singly or in any permutation, meets the claimed limitations of the amended claims and new claims 14 and 15 in respect to the present invention. None of the prior art citations discloses nor mitigates the claimed limitations including an element forming a ventilation opening through the container wall and further defining a guidance surface that engages and guides a pointed tool when the ventilation opening is being punctured and that the membrane is situated in the element that is puncturable.

As can be immediately evident, the claims of the application now being presented clearly distinguish from the art cited of record. Accordingly, it is respectfully requested that the application be reconsidered and that the amended claims presented by this Response to the Official Action be accepted as placing the application in condition for issue.

In light of the foregoing remarks, this application should be in condition for allowance, and early passage of this case to issue is earnestly solicited. If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

It is respectfully requested that, if necessary to effect a timely response, this paper be considered as a Petition for an Extension of Time, time sufficient, to effect a timely response, and shortages in this or other fees, be charged, or any overpayment in fees be credited, to the Deposit Account of the undersigned, Account No. 500601 (Docket no. 7400-X06-151).

Respectfully submitted,



Martin Fleit, Reg. #16,900

FLEIT GIBBONS GUTMAN BONGINI & BIANCO
21355 East Dixie Highway, Suite 115
Miami, Florida 33180
Tel: 305-830-2600;
Fax: 305-830-2605
e-mail: MFleit@fggbb.com